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DOCUMENTS

1. *English Policy Toward America in 1790-1791.*

(*Second Installment.*)

XVIII. STEPHEN COTTRELL TO W. W. GRENVILLE.¹

Office of Committee
of Privy Council for Trade
Whitehall 17th of April 1790

Sir

I am directed by the Lords of His Majesty's most Honorable Privy Council, appointed for all matters relating to Trade and Foreign Plantations, to acquaint you that They have taken into consideration the Memorial of Mr. Levi Allen in behalf of the Inhabitants of Vermont, setting forth that he has been appointed under the Great Seal of the State of Vermont pursuant to an Act of the General Assembly there, to negotiate a *Commercial* and *Friendly* Intercourse between the said State and His Majesty's Dominions and proposing certain Arrangements for that purpose ; which Memorial you transmitted to the Lords of the Committee in your Letter of the 10th June last ; and you desire in the said Letter to receive, for His Majesty's information the opinion of Their Lordships concerning the Steps which it may be proper to take in consequence of Mr. Allen's Proposals.

The said Mr. Levi Allen has also presented a Memorial dated the 13th June last to this Committee expressing the Wishes of the Inhabitants of Vermont that a free Trade may be granted them with the Province of Quebec for all or any of the Produce of the said Country of Vermont without payment of Duty ; and that they may be permitted to receive in return any of the Produce of Canada and any Merchandize imported therein, Furs and Peltry of all Kinds excepted.

Besides this Memorial the Committee have in their Office several Papers received from Lord Dorchester concerning the Policy of opening and facilitating a Passage into Canada, and from thence down the River St. Lawrence into the Atlantic for all Commodities, being the Growth or Produce of the Countries which border upon Canada and make either a part of the Territories of the United States of America, or belong to the State of Vermont, or to other People of various descriptions, who are now forming new Settlements in that part of the World.

While the Commercial Intercourse between the Province of Quebec and the Territories belonging to the United States of America, was under

¹ Chatham MSS. Bdle 343. Compare *Report Canadian Archives*, 1890, p. 132.

annual Regulations, established by His Majesty's Order in Council, Care was taken that no Restriction should be laid on the Trade carried on either by Land or Inland Navigation, between the said Provinces and the Territories of the United States, or other Countries bordering on the said Province ; and in an Act passed in the 28th year of His Majesty's Reign for making permanent Regulations for this purpose, the same Policy of laying no Restrictions of the nature before mentioned was pursued. And the Lords of the Committee having had this Subject under their consideration of the 13th July 1787—gave it as their Opinion to Lord Sydney, then one of His Majesty's principal Secretaries of State, that it should be left to Lord Dorchester, Governor of Quebec with the Advice of the legislative Council of that Province, to make such Orders respecting any Intercourse by Land or by Inland Navigation between the said Province and the Territories belonging to the United States of America, as should be thought by them to be most proper, not doubting that the Orders which His Lordship, with the Advice of the said Council, should give, would be consistent with the Laws of Great Britain and most conducive to the Interests of His Majesty's Subjects ; but the Committee at the same time advised, that Lord Dorchester should be instructed on no account to permit, under pretence of such Intercourse, the Introduction into Canada of foreign Manufactures, or of Spirits made in any foreign Country or the Export from Canada into the neighbouring States of Furs and Peltry.

The Lords of the Committee, having received further Information on this Subject, and repeatedly taken the same into consideration are confirmed in the Opinion they before entertained that it will be advisable, in a commercial, and, they may add, in a political view also to permit, and even encourage all Articles, being the Growth and Produce of the Countries bordering upon Canada, to be brought into the said Province in exchange for British Merchandize and Manufactures, and to be Exported from thence down the River St. Lawrence, in British Ships to those parts of Europe or America where the Produce of Canada of the same sort may be legally carried. But when this Subject was before the Committee on the 13th July 1787 The Lords entertained a doubt, whether Goods, so brought into Canada from the neighbouring Countries, could be lawfully imported from thence into the British Dominions ; They consulted therefore His Majesty's Attorney and Solicitor General on this Point, whose Report has not been received till lately, stating that there is no Law which makes any distinction in this respect between Goods, the Growth and Produce of those Parts of America which belong to Foreign States and those belonging to the Crown of Great Britain, provided they are brought from the Ports of a British Colony, Plantation or Territory in America, in British Ships navigated according to Law.

It is the opinion of the Committee that such Intercourse would tend very much to promote the Sale of British Manufactures, and to increase the general Commerce and Navigation of this Country and the Committee still think that no Restrictions should be imposed on this Intercourse,

except those recommended in the before mentioned Letter addressed to Lord Sydney. And in order that the Government of Great Britain may have the full possession and command of this Trade, and be enabled to subject it to such Regulations as will render it most beneficial to His Majesty's Subjects, it is much to be wished that the vessels in which these Goods are transported over the great Lakes surrounding Canada, or along the Navigable Rivers, which issue from or run into these Lakes, should be British, and belong to British Subjects only, and that the posts which command the Entrance of these Lakes, and which are best situated for securing the Navigation of these Rivers should be retained by His Majesty (if other important Considerations will so permit) and be Garrisoned by a Force sufficient to defend them ; For there can be no doubt that the various Settlements which are now forming in the interior parts of America, afford the prospect of a most Extensive and valuable Commerce to those Nations who can secure to themselves the best means of availing themselves of it.

The Committee have hitherto considered this Subject, not only as it relates to the State of Vermont but to all the Countries bordering upon Canada :—Lord Dorchester and His Majesty's Council in the province of Quebec have thought proper to consider it in this general view, and to Extend the Regulations made by them for this purpose to all the neighbouring States, tho' these Regulations evidently took their Rise from the Application made by Mr. Levi Allen, in the name of the Province of Vermont only :—And the Committee observe with pleasure, that these Regulations are conformable to the principles before stated, as will appear by the following account of them

In consequence of Powers vested in three Commissioners by the State of Vermont, Mr. Levi Allen waited on Lord Dorchester at Quebec in 1786, informing him that he was commissioned by the State of Vermont to form a Treaty of Commerce, and produced his Credentials. Lord Dorchester told him that he was not authorized to form Treaties, but that he was well disposed to live in Friendship, with all the neighbouring States, and desired Mr. Allen to State in writing the wishes of the people of Vermont, and promised that they should be duly considered. Mr. Allen accordingly presented a Memorial to His Lordship on the 22d November 1786, specifying the objects which the people of Vermont had in view in desiring to open a Commercial Intercourse with Canada. On the 18th April 1787 Lord Dorchester permitted by Proclamation (until an Ordinance could be made by the Legislative Council for more fully regulating the Inland Trade with the neighbouring States) the free Importation from all the said States, thro' Lake Champlain, of Masts, Yards, Bowsprits, Spars, Oak or Pine, Planks, Boards, Knees, Futtocks, Ship Timber, Hoops, Staves, Shingles, Clapboards, or any sort of Lumber, Pitch, Tar, Turpentine, Tallow, or any kind of Naval Stores, Hemp, Flax, and their Seeds ; Wheat ; Rye, Indian Corn, Pease, Beans, Potatoes, Rice, Oats, Barley, and all other species of Grain, Horses, Neat Cattle, Sheep, Hogs, Poultry, and all other species of Live Stock and Live pro-

visions, and whatsoever else is of the Growth of the said States. And he also authorized and permitted the free Exportation from the province of Canada into the said States, of any Articles of the Growth, Produce or Manufacture of the said province, or of any other the Dominions of Great Britain, Furs and Peltries of any Kind excepted.

And by an Ordinance of the Governor and Legislative Council, dated 30th of the same month, it was enacted, that the Trade and Intercourse between the province of Quebec, and the neighbouring States, or any of them, by the Route of Lake Champlain and Sorell, should be free for the Importation of Leaf Tobacco, Pot and pearl Ashes, if the same be of the Growth and produce of any of the said States, and that they are bona fide intended for Re exportation from that province to Great Britain.

In the month of April in the year following Lord Dorchester and the Legislative Council of Quebec passed two other Ordinances, comprehending, in their Judgement, every thing that was at that time necessary for regulating the Inland Commercial Intercourse of that province with the Neighbouring States.

In the first of these Ordinances it is enacted That all Goods, Wares, and Merchandizes (Beavers Peltries and Furs excepted) of the Growth and Manufacture or product of that province or of any other of the Dominions of Great Britain, and such as may lawfully be imported into that province by Sea may be exported therefrom by Land or Inland Navigation to any of the neighbouring States, free from Duty Impost or Restraint: And it was also enacted that there be the like freedom of Importation from the said States into that province (if the same be made by the Route or Communication of Lake Champlain and the River Sorel or Richelieu and not otherwise) of certain enumerated articles. It then enumerates the Articles which are the same as those in the before mentioned proclamation and Ordinance, adding thereto Butter, Cheese, and Honey, Fresh Fish, Gold and Silver Coin and Bullion. The Ordinance then prohibits the Importation of Rum, Spirits, and Copper Coin and enacts several severe Regulations to prevent Contraband Trade contrary to the intention of this Ordinance.

The Second of these Ordinances, intituled "for promoting Inland Navigation," begins by a preamble reciting "that the present circumstances do not require that the Transport of Merchandize" and peltries over the Upper Lakes should be carried on solely by vessels "*belonging to His Majesty*", and that the thriving situation of the new Settlements of Loyalists in the Western Country makes it expedient under certain Restrictions to facilitate the Transport of a variety of Articles across those Lakes which will tend to increase the Exports of this province, and consequently to augment its Commerce.

It then enacts that it shall be lawful for all His Majesty's Subjects trading to the Western Country by the way of the Great Lakes who shall have taken out the usual pass conformable to Law, to cause such their Effects and Merchandize or [as?] shall be specified in the said pass, to be water borne in any Kind of vessel under the Burthen of Ninety Tons,

provided the same be built or launched in any Port or Place within His Majesty's Government ; and that all the owners of the Vessel and Cargo, and the Captain, Conductor, Crew and Navigators be His Majesty's Subjects, and that the said Crew and Navigators shall have taken (since the 1st May 1783) the Oath of Allegiance of His Majesty, prescribed by Law, or on doubt thereof, shall take the same before they embark in such adventure. The Ordinance then proceeds to require that every Vessel (except such as are under the Burthen of five Tons, navigating the River St Lawrence and the Bay of Quinty, and except all Canoes, Bateaux, or open Boats, under the Burthen of ten Tons navigating the Lakes) shall take out a Register. It requires also Bonds and several other Documents from all these vessels, forming on the whole a very accurate and strict system of Registry, and then enacts that all vessels concerned in this navigation, which shall not be furnished with a Register and the other Documents therein mentioned, and shall not produce the same to the Kings Officer in the Ports or Places where they arrive, shall be subject to Forfeiture. A power is given to the Governor or Commander in Chief of the Province for the time being, upon any great or urgent occasion to prohibit for any given time, by an Order under his Hand and Seal, even these Vessels from Navigating the said Lakes, if he may think such order necessary and for the security of the Province.

From the foregoing Account it appears to the Committee, that a Commercial Intercourse, is already opened between the Province of Quebec and the State of Vermont, as well as the other neighbouring States, upon as extensive a plan as the People of Vermont seem to have wished. It is true that this Commerce is not secured to them by Treaty. Lord Dorchester was of opinion as is before stated that he was not authorized to form a Treaty with them, and he might perhaps think that it would be offensive to the United States of America to form a Separate Treaty with a people who inhabit a Country, which the said States may consider as a part of their Territory ; a people who ought on that account to be dependent on them. It is impossible to suppose that Mr. Levi Allen can be ignorant that a Commercial Intercourse has been opened with the State of Vermont by the Government of Quebec in manner before mentioned, and as he still presses that a Treaty should be concluded it is reasonable to infer that he has some other object in view, besides the establishing a free Commerce between the Countries, and that he has probably received secret Instructions for this purpose.

To throw Light on this Point, the Committee think it right to state the Information they have lately received of the political situation of the State of Vermont.

The Country now inhabited by the People of Vermont was formerly claimed by the Legislatures of New Hampshire and New York who had frequent Disputes on this Subject. A number of Adventurers chiefly from the Territories of Massachusetts Bay and Connecticut, taking advantage of these Disputes went and fixed their Habitation in this Country, and have kept possession of it ever since. These Settlers had

at first no other appellation than that of Green Mountain Boys. But in December 1777 They assumed the Title of the State of Vermont and considering themselves as Independent, established a Form of Government ; and from that time they have continued in the exercise of all the Legislative and Executive powers belonging to an Independent State— In March 1787 a Bill passed the House of Assembly of the State of New York, declaring Vermont to be a separate Independent State ; but this Bill was rejected by the Senate of New York, because there was no provision made in it for securing to some of the Inhabitants of the State of New York, certain Lands claimed by them and which has [had ?] formerly been granted to them, while that State made a part of the British Dominions. In a subsequent Session the Legislature of New York appointed Commissioners on the part of Vermont in order to settle the Points in dispute. The event of this Conference is not yet known ; but whatever it may be, it will probably decide the opinion of the Legislature of New York concerning the Indepen[den]ce of Vermont. But there is reason to believe that the Congress lately established, will soon take this business into Consideration. Vermont has already between 70 and 80,000 Inhabitants, which is a greater number than belong to several States which now make a part of the American Confederacy. The Eastern States will be desirous from political Motives that Vermont should become a Member of the federal Government. They will wish to retain Vermont as a Frontier for their Security and there is ground to suppose that they are on that account apprehensive of its becoming connected and forming an alliance with the British Government. There is another Circumstance which inclines the Eastern States to wish that the State of Vermont should be acknowledged as Independent and made a Member of the Union.

The Settlement of Kentuck,¹ which consists of about as many Inhabitants as that of Vermont, and which at present makes a part of the State of Virginia, has applied both to the Legislature of Virginia and to Congress to be acknowledged as an Independent State, and to have a voice in the Federal Government. The State of Virginia who find their present Connection with Kentuck to be both Expensive and inconvenient are inclined to the proposed Separation, and many of the Members of Congress have shown a Disposition to acknowledge the Independence of the people of Kentuck and to admit them into the Union, but the Eastern States are not disposed to consent unless the State of Vermont be at the same time admitted as they apprehend that the influence of the Southern States in Congress will become too powerful by the accession of Kentuck unless it is counterbalanced by the addition of a new Member connected in Interest with the Eastern States. From Information received it is probable that this point was brought into Discussion during the Second Session of Congress which commenced in January last.

¹ The spelling is doubtful, perhaps it should read Kentucte here and following.

The foregoing facts sufficiently explain the Impatience shewn at present by the Agent of Vermont to be informed of the Intention of the British Government with respect to an Alliance with the State of Vermont.

It belongs not to the Committee to decide how far any Article in the late Treaty of Peace, by which the Independence of the United States was acknowledged and the Extent of their Territories defined, may make it improper for the Government of this Country to form a separate Treaty with the State of Vermont, or whether it may be politically prudent all circumstances considered, to risk giving offence to the Congress of the United States by such a Measure ; but the Lords are of opinion that in a commercial view it will be for the Benefit of this Country to prevent Vermont and Kentuck and all the other Settlements now forming in the Interior parts of the great Continent of North America, from becoming dependent on the Government of the United States, or on that of any other Foreign Country, and to preserve them on the contrary in a State of Independence, and to induce them to form Treaties of Commerce and Friendship with Great Britain.

Besides the State of Vermont and the Settlement of Kentuck, six other Settlements are said to be already forming in the interior parts of the American Continent, some of them by encouragement from the United States ; others under the Protection of the Spanish Government ; and some appear to have no connection hitherto with any Foreign Power. There can be no doubt, that the Numbers of People in these Settlements will very rapidly increase partly by the ordinary course of Population, and partly by Emigrants from the United States, and by others who may resort to them from the Nations of Europe. As People of this description must for a Number of years be principally employed in raising Provisions, and such other Articles as are best adapted to the Nature of the Soil, which they possess, and to the Climate, under which they live, it is evident that during that period at least, they will be under the necessity of importing from Foreign Countries such Manufactures and other Commodities as contribute most to the comfort and enjoyment of Life and whatever Nation is best able to supply them with these Merchandizes at a reasonable rate, cannot fail to derive great commercial Advantages from their Intercourse with them.

The Countries where all the before mentioned Settlers (except those of Vermont) have fixed their residence are separated from the Countries inhabited by the People of the United States, and from the Atlantic Ocean by a large Ridge of Mountains which must be passed, if they attempt to open by that Way any commercial Intercourse. The Expence of Land-Carriage over these Mountains will so enhance the Price of any Commodities, which they may wish to purchase, as to make it very expensive and difficult for them to obtain Supplies by that mode of Conveyance ; and it will still be less practicable to convey the Produce of the Soil in which these Settlers must make their Returns, being all bulky Articles, over these Mountains to the Heads of the Rivers, that run from the

foot of them into the Atlantic. It is clear that even the People of Vermont, who are more conveniently situated for a Commercial Intercourse with the United States, find that such Intercourse by Land-Carriage is by no means so practicable, or likely to be so profitable to them, as a direct Trade with Canada, carried on by means of Lake Champlain, and from thence into the River St Lawrence. It is certain therefore that the various Settlements that are now forming in the interior Parts of the American Continent, will wish to open a Communication with Foreign Nations, either by passing the great Lakes and from thence into the River St Lawrence, or by descending through the various Rivers, that run into the Mississippi, and by following the Course of that River into the Ocean. There appears to be no other practicable Channels by which these Settlers can carry on the sort of Commerce in which they will necessarily be engaged, and there are Circumstances which make it probable, that the Passage over the great Lakes and by the River St Lawrence will be found of the Two to be much the most convenient. It will be fortunate for Great Britain if this Channel continues exclusively under her Command; for the Commerce, so carried on, will be attended with this singular advantage that the Ships employed in it must belong wholly to the subjects of the British Empire. It appears from Information lately received that the People of Kentuck are desirous of forcing their way down the River Mississippi to the Ocean. They have already applied to the Congress of the United States for obtaining through their Influence with the Court of Spain, a free Navigation on that River. They found their claim to it upon the Right naturally resulting from the possession of the Countries bordering on the Rivers flowing into the Mississippi; and they alledge that by the Treaty of Peace of 1763, between England France and Spain, the free Navigation of the River Mississippi was secured to England and was exercised till the Peace of 1783, and that, by the Treaty then made with America, England ceded to the United States the free Navigation of that River.

The Spaniards are very jealous of any Communication which the Americans may wish to have, by means of the River Mississippi, either with the Indians, or any other Persons settled in the interior Countries of America. To prevent such Communication they now employ British Agents, Subjects of His Majesty and attached to the British Interests to manage the Indians in the Southern Parts of this Continent and to supply them with British Manufactures which are sent out annually from Great Britain by Vessels under the protection of Passes given by the Spanish Ambassador residing in London; And these Manufactures are paid for by great Quantities of Deer Skins and some other Peltry, permitted to be exported from Spanish Ports in British Ships directly to Great Britain. There is every reason also to believe, that a very lucrative Commerce is now carried on from the Port of Providence in the Bahamas and from the Free Ports in the Island of Jamaica to the Spanish Ports in the two Floridas which is at least connived at by the Spanish Government in order to prevent the People of the United States from

obtaining any Influence over the Indians and having any share in this Trade.¹

It cannot be doubted that the Navigation of the River Mississippi will soon give rise to many contests between the Government of Spain and the American Congress, who will wish to support the Settlers in the interior Parts of America in the claims they may urge on this account, with a view to secure to themselves the Friendship of these new Settlements, and thereby to open to the Vessels of the United States the Entrance of the River Mississippi.

What may be the Issue of these Contests it is not possible at present with any degree of certainty to foretell, nor is it prudent yet to pronounce what ought to be the Conduct of Great Britain in this respect ; It is proper however for the Committee to observe, that there will be less danger in encouraging the Navigation of Spain in those Seas than that of the United States and that the Ships of these States are more to be apprehended, as Commercial Rivals than those belonging to the Subjects of the Spanish Monarchy.

The Committee have thought it right, that I should enter into this detail in delivering Their Opinion on the Question you referred to Them by His Majesty's Command concerning a Commercial Intercourse with the State of Vermont. It appears to them that the same Policy, which ought to direct the Conduct of Government with respect to Vermont applies equally in a Commercial Light to all the other Settlements, that are forming in the interior parts of the American Continent and that no true Judgement can be formed of the measures which ought on this occasion to be pursued without taking comprehensive view of this Subject in all its Parts, especially at a time when there is reason to suppose that a Commercial Treaty may soon be negotiated with the Congress of the United States of America, at a time also, when the Committee observe, with the highest satisfaction, that the Manufactures of this country are improving and progressively increasing in so great a degree, that it is necessary to seek for new Markets in every Part of the World, in order to afford sufficient Scope and further Encouragement to the Industry of His Majesty's Subjects.

I have the Honor to be, With great respect
Sir

Your most obedient
And most humble Servant
STEPH. COTTRELL

2. Two Letters of Richard Cromwell, 1659.

IN the Lansdowne collection of manuscripts in the British Museum, vol. 821, are twenty-three letters of Richard Cromwell to his brother Henry. Most of them are of little value, but two, fols. 153 and 154, possess importance as proving that Richard did not so

¹ See the documents relating to Bowles.